

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 10479 of 2004

Between:

K. Sadanand, s/o Late K. Rajaiah,
R/o 3-6-52, Indiranagar (16th Ward), Ramanthapur, Hyderabad.

..... PETITIONER

AND

- 1 The Commissioner, Uppal Kalan Municipality, Uppal, R.R. District.
- 2 The Dy. Executive Engineer, APSCRIC, R.R. Sub- Division,
10-2-289/4/B, Shanthinagar, Hyderabad -028.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or direction or order more in the nature of Mandamus declaring the in action of the Respondents in taking up the work of fixing 5HP Submersible pump set with accessories for the existing bore well and laying 50mm GI pipe line and static tanks near the petitioners Residence ie., 3--6-52, Ward No. 16, Indira Nagar, Ramanthapur, R.R. District in terms of Lr.No. E3/825/04, dt. 10-5-2004 issued by the 1st respondent herein to the 2nd respondent as arbitrary, illegal and violative of articles 14 and 21 of the Constitution of India and consequently to direct the respondents to take up the work of fixing 5 HP submersible pump set with accessories for existing bore well and laying 50MM GI Pipe line and static tank near the petitioner house bearing 3--6-52 , Ward No.16, Indira Nagar, Ramanthapur, Ranga Reddy District which enables the petitioner to draw the water to his house from the said bore-well as per the File No. E3/825/2004 of Uppal Kalan Municipality

For the Petitioner:MR.NAGESWARA RAO TURAGA

**For the respondentNo.1: Mr.R.Thiimma Reddy,S.C. for Municipalities in
Telangana areas**

For the Respondent No.2: GP FOR MUNICIPAL ADMN. & URBAN DEV.

The Court Made the Following :

ORDER:

Heard the learned counsel for the petitioner and the learned G.P. for Municipal Administration.

The petitioner who is a resident of 16th Ward of respondent municipality claims to have dug a bore well by spending Rs.27000/- in front of his house, running into the road margin. On an objection raised by the residents of that locality, and at the intervention by the 1st respondent, the petitioner has agreed to hand over the bore well, to the respondent – Municipality, and requested them to provide sufficient water to his house. Thereupon, the Council of the respondent – Municipality resolved to utilize the said bore well for public use and to supply water to the petitioner on his paying Rs.90/- per month. Pursuant thereto, 1st respondent through his letter dated 10-5-2004 requested the 2nd respondent to take up the work of fixing 5 HP submersible pump set, with accessories and for laying 50 mm GI pipe line and tank to the said bore point. The grievance of the petitioner is that even though the 1st respondent has made such a request, the 2nd respondent is not taking action to get the above works done.

The learned Government Pleader for Municipal Administration submits that the matter has been seized of by the 1st respondent and he is examining the issue.

Admittedly the 1st respondent has requested the 2nd respondent to take necessary action only on 10-5-2004. However, the petitioner without giving reasonable time to the 2nd respondent to take action in the matter, has approached this Court. I do not see any reason to issue any positive direction, and more so, taking up of the work depends on availability of funds and budget.

Therefore, the writ petition is dismissed at the stage of admission. No costs.

24-6-2004

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To :

- 1 The Commissioner, Uppal Kalan Municipality, Uppal, R.R. District.
- 2 The Dy. Executive Engineer, APSCRIC, R.R. Sub- Division,
10-2-289/4/B, Shanthinagar, Hyderabad -028.
- 3 . Two C.Cs to G.P. for Municipal Administration and Urban Development, High
Court Buildings, High Court Buildings (OUT)
4. Two CD copies